

## **REMARKS**

### **Pending Claims**

Claims 1-50 are currently pending.

### **Allowable Subject Matter**

The Applicant acknowledges with appreciation the statement made on page 4 in the Office Action dated July 18, 2006 that the Applicant's arguments filed on May 2, 2006 are deemed persuasive.

### **Information Disclosure Statements**

The Applicant requests that the Information Disclosure Statements filed on May 11, 2004, December 12, 2003, and June 12, 2003 be reviewed and acknowledged by the Examiner.

### **Provisional Non-Statutory Obviousness-Type Double Patenting Rejection**

The Applicant is submitting herewith a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application in compliance with 37 C.F.R. 1.321. The Terminal Disclaimer was signed by the President of Zond, Inc., who is also the sole inventor of the present application. The Applicant is also submitting a Statement Under 37 CFR 3.73(b) which states that Zond, Inc. is the assignee of the entire right, title, and interest of the pending second application. An Assignment assigning the entire right, title, and interest in the present application (Serial Number 10/065,277) to Zond, Inc. was recorded at Reel 013351, Frame 0573.

The Applicant believes that the submitted Terminal Disclaimer overcomes the Provisional Double Patenting Rejection and, therefore, claims 1-50 are allowable.

## **CONCLUSION**

Claims 1-50 are pending. A Terminal Disclaimer has been submitted to overcome the Provisional Double Patenting Rejection. The Applicant submits that claims 1-50 are allowable and respectfully request an allowance of all pending claims.

If, in the Examiner's opinion, a telephonic interview would expedite prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

Date: August 28, 2006  
Reg. No. 40,137

Tel. No.: (781) 271-1503  
Fax No.: (781) 271-1527

Doc. 2246v1

/Kurt Rauschenbach/  
Kurt Rauschenbach, Ph.D.  
Attorney for Applicant  
Rauschenbach Patent Law Group, LLC  
Post Office Box 387  
Bedford, MA 01730